

**RULES
OF
TENNESSEE PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION**

**CHAPTER 1175-1
PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION**

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1175-1-.01 PURPOSE.

The purpose of this chapter is to provide for the administration and implementation of the Private Investigators Licensing and Regulatory Act (*Tenn. Code Ann. §62-26-201 et seq.*), herein referred to as the “Act”.

Authority: T.C.A. §62-26-303. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992. Amendment filed September 19, 2003; effective December 3, 2003.

1175-1-.02 DEFINITIONS.

As used in this chapter, unless the context otherwise requires, the definitions of terms contained in *Tenn. Code Ann. §62-26-202* of the Act are applicable.

Authority: T.C.A. §62-26-303. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992. Amendment filed September 19, 2003; effective December 3, 2003.

1175-1-.03 FINGER PRINTING.

- (1) An applicant shall furnish the Commission with three (3) sets of classifiable finger prints with his or her application for the purpose of allowing the Commission to forward the fingerprints to the Tennessee Bureau of Investigation as required by *Tenn. Code Ann. §§62-26-205* and *62-26-208*. An applicant shall be deemed to have furnished the Commission with three (3) sets of classifiable finger prints if he or she causes a private company approved by the Commission to electronically transmit the applicant’s classifiable fingerprints directly to the Tennessee Bureau of Investigation and forward a classifiable hard copy of the applicant’s fingerprints to the Commission. The Commission shall notify each applicant in writing of the name, address, and telephone number of any company approved by the Commission to provide such service. An applicant shall comply with the following requirements regarding the payment of the fingerprinting service:
 - (a) All sets of classifiable fingerprints required by this rule shall be furnished at the expense of the applicant. In the event an applicant chooses to send classifiable fingerprints directly to the Commission, the Commission shall pay The Tennessee Bureau of Investigation and the Federal Bureau of Investigation processing fees as required by the respective agencies. The Commission shall not be responsible for paying processing fees to the Tennessee Bureau of Investigation and/or the Federal Bureau of Investigation should the applicant choose to cause a private company to electronically transmit his or her fingerprints to the respective law enforcement agencies.

(Rule 1175-1-.03, continued)

- (b) An applicant shall be responsible for paying fees required by a private company that transmits fingerprints on behalf of the applicant. In the event an applicant chooses to have a private company transmit his or her fingerprints to the Tennessee Bureau of Investigation and the Federal Bureau of Investigation, the applicant shall be responsible for paying any fees associated with processing such fingerprints to the respective agency. An applicant may make arrangements for the private company to pay processing fees to the Tennessee Bureau of Investigation and/or the Federal Bureau of Investigation on his or her behalf.
 - (c) Applicants shall in all cases be responsible for paying application fees as established by the Commission regardless of the manner of fingerprinting the applicant chooses.
- (2) In the event that an applicant furnishes unclassifiable fingerprints or fingerprints that are unclassifiable in nature to the Commission or the Tennessee Bureau of Investigation, then the Commission may refuse to issue the requested license. For the purposes of this rule, “unclassifiable” means that the electronic scan or the print of the person’s fingerprints cannot be read and therefore, cannot be used to identify the person.

Authority: T.C.A. §§62-26-205, 62-26-208, and 62-26-303. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992. Amendment filed June 9, 2003; effective August 23, 2003. Amendment filed September 19, 2003; effective December 3, 2003.

1175-1-.04 APPLICANTS FOR LICENSES.

- (1) Any applicant who seeks to qualify for a private investigators license must apply directly to the independent testing organization selected by the Commission to prepare and grade such examination. Payment of any examination (or re-examination) fee shall be the responsibility of the applicant. The independent testing organization will notify each examinee of the results of the examination.
- (2) A company license or written notice of company affiliation must be on file with the Commission office prior to the issuance of a personal private investigator license or license renewal.
- (3) Applications for private investigator or private investigations company licensing must be on file with this office prior to scheduling examination(s).
- (4) Upon termination of apprenticeship, applicant may not seek apprenticeship again.

Authority: T.C.A. §§62-26-303 and 62-26-204. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992. Amendment filed March 3, 1995; effective May 17, 1995.

1175-1-.05 CHANGE OF COMPANY AFFILIATION AND CHANGE OF ADDRESS.

- (1) A licensee or an applicant shall notify the Commission in writing within thirty (30) days of any change in his or her home address.
- (2) A licensee or an applicant shall notify the Commission in writing within thirty (30) days of any change in company affiliation.

Authority: T.C.A. §§62-26-213 and 62-26-303. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992. Amendment filed September 19, 2003; effective December 3, 2003.

1175-1-.06 NOTIFICATION OF TERMINATION.

An investigations company shall notify the Commission in writing within thirty (30) days of the death or termination of a private investigator. In the case of termination, the company shall state the reason for such termination.

(Rule 1175-1-.06, continued)

Authority: T.C.A. §§62-26-303 and 62-26-213. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992.

1175-1-.07 INVESTIGATIONS AND COMPLAINTS.

- (1) The Commission may investigate any person engaged, or suspected of engaging, in any business or activity regulated under the Act.
- (2) Upon receipt of any written complaint against a licensee, the Commission may transmit a copy of such complaint to the accused party. Such party shall, within fourteen (14) days, file a written answer to the complaint with the Commission.

Authority: T.C.A. §62-26-303. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992.

1175-1-.08 PROHIBITED REPRESENTATION.

No person shall represent that it (he/she), or any aspect of its (his/her) business or activity, has been recommended or endorsed by the Commission or the Department.

Authority: T.C.A. §62-26-303. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992.

1175-1-.09 SURRENDER OF LICENSE OR IDENTIFICATION CARDS.

Any license or identification card which is revoked or suspended by the Commission shall be surrendered to the Commission within ten (10) days of the effective date of the revocation or suspension.

Authority: T.C.A. §§62-26-303 and 62-26-217. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992.

1175-1-.10 COPY FEE.

Upon request, any person not entitled under *Tenn. Code Ann.* §62-26-220 of the Act to a free copy thereof and of any rules promulgated thereunder may obtain a copy from the Commission for a fee of five dollars and no cents (\$5.00).

Authority: T.C.A. §§62-26-303 and 62-26-220. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992. Amendment filed September 19, 2003; effective December 3, 2003.

1175-1-.11 LICENSE FEES.

- (1) The fees for licenses and applications are as follows:

Application fee for private investigator.....150.00

Investigation company application fee:

Number of private investigators employed by company:

Sole practitioner.....\$250.00

Two to five (2-5) employees.....\$500.00

Over five (5) employees.....\$1000.00

Application fee for branch office.....\$100.00

(when the branch office is not included in the original company application).

(Rule 1175-1-.11, continued)

Private Investigator license.....\$100.00

Investigation company license fee:

Number of private investigators employed by the company:
 Sole practitioner.....\$125.00
 Two to five (2-5) employees.....\$250.00
 Over five (5) employees.....\$500.00
 Branch company office license.....\$100.00

- (2) The fee for a duplicate license is twenty-five dollars (\$25.00).

Authority: T.C.A. §§62-26-204, 62-26-208, and 62-26-303. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992. Amendment filed June 9, 2003; effective August 23, 2003. Amendment filed September 19, 2003; effective December 3, 2003.

1175-1-.12 RENEWAL FEES.

- (1) The fees for renewals of licenses are as follows:

Private investigator.....\$100.00

Investigation company renewal fee:

Number of private investigators employed by company
 Sole practitioner.....\$250.00
 Two to five (2-5) employees.....\$500.00
 Over five (5) employees.....\$1000.00
 Branch company office.....\$100.00
 Late renewal penalty.....\$100.00

- (2) The fees for renewal of a retired private investigators license shall be as follows:

Retired licenses.....\$25.00

Penalty for late renewal of retired license.....\$50.00

Authority: T.C.A. §§62-26-204, 62-26-211, and 62-26-303. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992. Amendment filed June 9, 2003; effective August 23, 2003.

1175-1-.13 REPEALED.

Authority: T.C.A. §§62-26-303 and 62-26-204. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992. Repeal filed March 3, 1995; effective May 17, 1995.

1175-1-.14 SEVERABILITY CLAUSE.

If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the rules which can be given effect without the invalid provisions or application, and to that end the provision of these rules are declared to be severable.

Authority: T.C.A. §62-26-303. **Administrative History:** Original rule filed August 24, 1992; effective October 8, 1992.

1175-1-.15 CIVIL PENALTIES.

- (1) With respect to any person, partnership, firm, association, corporation or entity required to be licensed by the Commission, the Commission may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such person, partnership, firm, association, corporation or entity for each separate violation of a statute, rule or order pertaining to the Commission in accordance with the following schedule:

Violation	Penalty
(a) Tenn. Code Ann. §62-26-217(a)(1)	\$1 - \$2,000
(b) Tenn. Code Ann. §62-26-217(a)(2)	\$1 - \$2,000
(c) Tenn. Code Ann. §62-26-217(a)(3)	\$1 - \$2,000
(d) Tenn. Code Ann. §62-26-217(a)(4)	\$1 - \$2,000
(e) Tenn. Code Ann. §62-26-217(a)(5)	\$1 - \$2,000

- (2) In determining the amount of any civil penalty to be assessed pursuant to this rule, the Commission may consider such factors as the following:

- (a) Whether the amount imposed will be a substantial economic deterrent to the violator;
- (b) The circumstances leading to the violation;
- (c) The severity of the violation or risk of harm to the public;
- (d) The economic benefits gained by the violator as a result of non-compliance; and
- (e) The interest of the public.

Authority: T.C.A. §§56-1-308, 62-26-217, and 62-26-303. **Administrative History:** Original rule filed March 10, 1993; effective April 24, 1993. Amendment filed March 3, 1995; effective May 17, 1995. Amendment filed September 19, 2003; effective December 3, 2003.

1175-1-.16 APPRENTICESHIPS.

- (1) An apprenticeship shall not commence until receipt by the applicant of written confirmation from the Commission that apprentice status has been granted.
- (2) An apprentice shall not work without the direct supervision of a licensed investigator. Direct supervision shall mean in the direct physical presence of a licensed investigator.
- (3) Any legal document relative to conducting or offering to conduct any investigation may not be executed by an apprentice.
- (4) An apprentice shall at no time identify himself/ herself as a licensed investigator.
- (5) Sponsoring companies are directly accountable and responsible for the investigative activities of their apprentice(s).

Authority: T.C.A. §§62-26-207 and 62-26-303. **Administrative History:** Original rule filed March 3, 1995; effective May 17, 1995.

1175-1-.17 RETIRED LICENSES.

A private investigator who has retired his/her license shall remain subject to the disciplinary provisions contained in Tenn. Code Ann. §62-26-217 and shall be obligated to comply with the notice provisions contained in Tenn. Code Ann. §62-26-213.

Authority: T.C.A. §§62-26-204(e) and 62-26-303. **Administrative History:** Original rule filed June 9, 2003; effective August 23, 2003. Amendment filed September 19, 2003; effective December 3, 2003.

1175-1-.18 EXCEPTIONS TO APPLICABILITY.

For purposes of Tenn. Code Ann. §62-26-223(b)(3)(A), the term “employee” shall be defined as an individual to whom wages are paid by the attorney or law firm and from whose wages Federal Income Tax and/or Federal Insurance Contributions Act monies are withheld by the attorney or law firm.

Authority: T.C.A. §§62-26-223 and 62-26-303. **Administrative History:** Original rule filed June 9, 2003; effective August 23, 2003. Amendment filed September 19, 2003; effective December 3, 2003.